

Gore Law Firm
900 East Hamilton Avenue, Suite 100
Campbell, CA 95008
Phone: 408-879-7444
Fax: 408-376-0757
Email: piercegore@gorelawfirm.com

February 28, 2008

Hon. Jeremy Fogel
United States District Court
Northern District of California
San Jose Division

Re: Gamaly v. Tumi, Inc.; Case No. C-07-04758 JF

Dear Judge Fogel:

I am writing in response to the Court's request in its Order of February 25, 2008 for letter briefs from the parties on the issue of Defendant Tumi, Inc.'s request for a stay of this action until (1) the Ninth Circuit files an opinion in *Soualian v. International Coffee & Tea, LLC*, and; (2) Congress acts on the Credit and Debit Card Receipt Act of 2007 (the "Act").

Plaintiff has reviewed the cases in the Northern District of California in which courts issued a stay pending the Ninth Circuit's decision in *Soualian*. Based on these decisions, and in the interest of judicial economy, Plaintiff does not oppose a stay in this action, until the Ninth Circuit files an opinion in *Soualian*.

Plaintiff is aware of no decisions in which any court in the Northern District granted a stay pending Congressional action on the Act. Unlike *Soualian*, in which briefing has been completed, the Act's prospects for enactment appear to be uncertain. Moreover, *Soualian* independently provides a sufficient basis for this Court to order a stay. In any event, once the Ninth Circuit decides *Soualian*, the Court and the parties can revisit the Act, and decide at that time whether the Act's status warrants a further stay.

For these reasons, Plaintiff does not oppose a stay until the Ninth Circuit files an opinion in *Soualian*.

Respectfully submitted,

/s/ Pierce Gore

Pierce Gore
Attorney for Plaintiff Victor Gamaly